

**IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE MIDDLE DISTRICT OF ALABAMA
SOUTHERN DIVISION**

WALTER WREN WYATT, III)	
)	
Plaintiff,)	
)	
v.)	CIVIL CASE NO.:1:07-cv-0326-MHT
)	
MORTGAGE ELECTRONICS)	
REGISTRATION SYSTEMS, INC.; R. JAMES)	
NICHOLSON, Secretary of Veterans Affairs,)	
et. al.,)	
)	
Defendants.)	

ANSWER

Comes now, R. James Nicholson, Secretary Department of Veterans Affairs, by and through Leura G. Canary, United States Attorney for the Middle District of Alabama, and answers the plaintiff's complaint as follows:

First Defense

The complaint fails to state a claim upon which relief may be granted.

Second Defense

The defendant is due to be dismissed due to the insufficiency of service of process.

Third Defense

The Court lacks jurisdiction over the federal defendant, R. James Nicholson, Secretary of the Department of Veterans Affairs.

Fourth Defense

The plaintiff has waived and/or forfeited any statutory rights of redemption that he may have possessed.

Fifth Defense

Answering specifically the numbered paragraphs of the complaint, utilizing the same paragraph numbering, Defendant admits, denies and otherwise answers as follows:

1. Paragraph 1 of the complaint is a statement of jurisdiction to which no response is necessary. To the degree a response is deemed necessary, same is denied.
2. The defendant admits the allegations of paragraph 2 of the complaint.
3. The defendant admits the allegations of paragraph 3 of the complaint.
4. The defendant admits the allegations of paragraph 4 of the complaint.
5. The defendant admits the allegations of paragraph 5 of the complaint.
6. Paragraph 6 of the complaint is a statement regarding fictitious parties to which no response is necessary.
7. Paragraph 7 of the complaint is a statement of law to which no response is necessary. To the degree an answer is deemed necessary, the defendant avers that the plaintiff waived and/or forfeited any statutory rights of redemption that he may have possessed.
8. Paragraph 8 of the complaint is a statement of law to which no response is necessary. To the degree an answer is deemed necessary, the defendant avers that the plaintiff waived and/or forfeited any statutory rights of redemption that he may have

possessed.

9. Paragraph 9 of the complaint is in the form of a prayer for relief to which no response is necessary. To the degree an answer is deemed necessary, the defendant avers that the plaintiff waived and/or forfeited any statutory rights of redemption that he may have possessed.

10. The defendant is without sufficient information to admit or deny the allegations of paragraph 10, therefore, the same are denied.

11. The defendant is without sufficient information to admit or deny the allegations of paragraph 11, therefore, the same are denied.

The remaining paragraphs of the complaint are a prayer for relief to which no response is required. To the degree that a response is deemed necessary, the defendant asserts that the plaintiff waived and/or forfeited any statutory rights of redemption that he may have possessed and that he is therefore and/or otherwise not entitled to any relief.

WHEREFORE, premises considered, the complaint is due to be and should be dismissed with the costs of this litigation taxed to the Plaintiff.

Respectfully submitted this 14th day of May, 2007.

LEURA G. CANARY
United States Attorney

By: /s/ R. Randolph Neeley
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CERTIFICATE OF SERVICE

I hereby certify that on May 14, 2007, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to John L. McClung, James Asberry Byram, Jr., and Louis Michael Calligas. I further certify that I have mailed a copy of same to the following non-CM/ECF participant(s):

Joshua and Natalie Mellor, Pro Se
56 Red Cloud Road
Ft. Rucker, AL 36362

Dated this the 14th day of May, 2007.

/s/ R. Randolph Neeley
Assistant United States Attorney